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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2006

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The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

H.C.P.Nos.8 and 9 of 2006

M.Banu .. Petitioner in H.C.P.No.8/2006

Mrs.Ashraff Nisha .. Petitioner in H.C.P.No.9/2006

Vs.

1.State of Tamil Nadu
rep. by Secretary to Government,
Public (SC) Department,
Fort St. George, Chennai - 9.

2.Union of India rep. by
Secretary to Governemnt,
Ministry of Finance, Dept. of Revenue,
COFEPOSA Unit,
Central Economic Intelligence Bureau,
Janpath Bhawan 'B' Wing, VI Floor, .. Respondents in
Janpath, New Delhi - 110 001. petitions.

Petitions filed under Article 226 of The Constitution of India praying to issue a writ of habeas corpus, to call for the records of the first respondent made in SR.1/1058-5/2005 dated 21.12.2005 and SR.1/931-6/2005 dated 11.11.2005 respectively and quash the same and direct the respondents to produce and set at liberty the detenues viz., Mohammed Gani, S/o: Mohammed and Shahubar Gani, S/o: Shahubar, now detained in Central Prison, Chennai under the Provision of Conservation of Foreign Exchange and Prevention of Smuggling Activities Act.

For Petitioners .. Mr.B.Kumar, Sr. Counsel
for Mr.R.Loganathan

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For Respondents .. Mr.M.Babu Muthumeeran,
Addl. Public Prosecutor for R1
Mr.P.Kumaresan, ACGSC for R2

COMMON ORDER

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner in H.C.P.No.8 of 2006, who is the wife of the detenu by name Mohammed Gani, S/o: Mohammed, who is detained under Section 3(1)(i) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (Central Act 52 of 1974), by the impugned detention order dated 21.12.2005, challenges the same.

2.The petitioner in H.C.P.No.9 of 2006, who is the wife of the detenu by name Shahubar Gani, S/o: Shahubar, who is detained under Section 3(1)(i) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (Central Act 52 of 1974), by the impugned detention order dated 11.11.2005, challenges the same.

3.Heard Mr.B.Kumar, learned Senior Counsel for the petitioners and Mr.M.Babu Muthu Meeran, learned Additional Public Prosecutor for the first respondent and Mr.P.Kumaresan, learned Additional Central Government Standing Counsel for the second respondent.

4.It is not in dispute that the questions/points raised in these petitions have already been considered by this Court in H.C.P.Nos.6 and 7 of 2006 on 05.07.2006. Accepting the similar contentions, this Court quashed the detention orders made therein and allowed the Habeas Corpus Petitions. The said decision is applicable to the cases on hand. Accordingly by applying the same, the detention orders issued in these cases are also liable to be quashed and they are quashed on the same terms.

5.Accordingly, the Habeas Corpus Petitions are allowed and the impugned orders of detention are set aside. The detenues are directed to be set at liberty forthwith from the custody unless they are required in some other case or cause.

Sd/-
Assistant Registrar

/true copy/

Sub Assistant Registrar

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To

1.The Secretary to Government,
Public (SC) Department,
Fort St. George, Chennai - 9.

2.The Secretary to Government,
Ministry of Finance, Dept. of Revenue,
COFEPOSA Unit,
Central Economic Intelligence Bureau,
Janpath Bhawan 'B' Wing, VI Floor,
Janpath, New Delhi - 110 001.

3.The Superintendent,
Central Prison, Chennai.
(in duplicate for communication to the detenues)

4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.

5.The Public Prosecutor,
High Court, Madras.

MKJ (CO)
km/21.7.

H.C.P.Nos.8 & 9 of 2006

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